

COMOROS: Tier 3

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Comoros remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by funding the salaries of new personnel at a listening center that provided assistance to victims and by adding a second emergency hotline to ensure crimes from all three islands could be reported. However, the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes, including those committed by complicit officials. Since 2014, it did not identify or refer any trafficking victims to protective services, and lacked formal procedures to do so. Authorities continued to lack an understanding of trafficking, and the government did not provide adequate resources or training to law enforcement officials, including the office charged with investigating child abuse and exploitation. The extensive use of mediation and financial settlements in lieu of investigation and prosecution of crimes resulted in the return of children to their alleged exploiters. The Anti-trafficking Task Force, which became operational in 2016, made no discernable efforts during the reporting period.

RECOMMENDATIONS FOR COMOROS

Significantly increase efforts to investigate, prosecute, and convict traffickers, including complicit officials; drastically improve the identification of victims and the provision of protective services to trafficking victims, including providing appropriate care to victims nationwide and developing formal procedures to do so; end the practice of returning trafficking victims to their exploiters through arbitration; enact comprehensive anti-trafficking legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape; undertake efforts to engage French officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte; expand anti-trafficking public awareness campaigns; increase effectiveness of the coordination committee to drive national anti-trafficking efforts; develop national level data collection on law enforcement efforts and trafficking victims; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian law did not criminalize all forms of human trafficking. The labor code prohibited forced and bonded labor for adults, but did not prescribe penalties for these crimes, which was not sufficiently stringent. Article 323 of the penal code criminalized the facilitation of child sex trafficking and forced prostitution of adults and prescribed punishments of two to five years imprisonment and a fine between 150,000 and 2 million Comoros francs (\$360 and \$4,870), which were sufficiently stringent, however, the penalties prescribed for sex trafficking were not commensurate with those prescribed for other serious crimes, such as rape. The Law Countering Child Labor and Trafficking in Children (child labor law), effective January 2015, criminalized slavery or similar practices, such as the sale and trafficking of children, bonded labor, and debt bondage—as well as forced or compulsory labor—including the forced or compulsory recruitment of children for use in armed conflicts in Article 6 and prescribed sufficiently stringent penalties of five months to 10 years imprisonment and a fine of 100,000 to 5 million francs (\$240 to \$12,170). Article 8 in the child labor law criminalized child sexual exploitation and prescribed penalties of five to 10 years imprisonment and a fine of 1 million to 2 million francs (\$2,430 to \$4,870). Article 13 of the child labor law criminalized child trafficking and prescribed penalties of ten years imprisonment and a fine of 30 million francs (\$72,990). The penalties for Articles 8 and 13 were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. There appeared to be an overlap between provisions of the child labor law, the labor code and the penal code that could add to the challenge of prosecuting traffickers in Comoros. Despite parliamentary approval in 2014, the president did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. The government did not report investigating, prosecuting, or convicting any traffickers during either of the last two reporting periods despite reports that one listening center recorded many cases that may have amounted to trafficking.. The government has not reported investigating a trafficker since 2014 and has never reported convicting a trafficker. The government also did not report any investigations, prosecutions, or convictions of government employees allegedly complicit in human trafficking offenses. Corruption and official complicity at all levels of government, law enforcement, and the judiciary remained significant concerns, inhibiting law enforcement action

during the year. Judges were known to have negotiated agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Families or village elders settled many allegations of sexual violence, including sex trafficking, informally through traditional means, without recourse to the formal court system. Some police reportedly returned sexually abused children to their exploiters. The police lacked basic resources, including vehicles, fuel, and equipment, and often relied on victims to provide funds for transport or communication. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. The Ministry of Labor's four labor inspectors—responsible, among other things, for implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the trafficking law and did not receive operational resources to conduct labor inspections of informal work sites, where children were especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period.

PROTECTION

The government maintained minimal protection efforts. The government did not provide direct assistance or services for victims but provided financial support and office space to the listening centers, alongside support from an international organization; the listening centers, one located on each of the three islands, offers services to abused and neglected women and children. There were no government shelters for adults or child victims of abuse or human trafficking. The government continued to provide the salaries for the employees of the listening centers; in 2017, the number of employees on Grande Comore increased from two to six, while Anjouan maintained three employees and Moheli maintained one employee. The listening center on Grande Comore reported providing medical care for 133 women and children and provided 23 women and three children with psychological care; the listening center recorded these persons as victims of abuse, but because of inadequate trafficking training, some of these victims may have been trafficking victims. In the absence of adequate funding, listening center staff sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. There were no reports of the government penalizing victims for crimes committed as a direct result of being subjected to trafficking; however, as there were no standard procedures or proactive screenings,

victims may have remained unidentified in the law enforcement and immigration systems.

PREVENTION

The government decreased efforts to prevent trafficking. The interagency Anti-trafficking Task Force, operationalized in 2016, was comprised of representatives of relevant government agencies, the listening centers, and international organizations; however, it made no discernable efforts during the year and did not adopt the draft national action plan it began drafting last reporting period. The government did not coordinate any public awareness campaigns during the reporting period. The government continued to fund toll-free emergency lines, adding a second line to increase accessibility in 2017. The emergency lines were used to report victims of child abuse and exploitation; however, the government did not report any further information on the use of these hotlines during the year. In 2016, the labor ministry signed an agreement with several labor recruitment agencies to facilitate review of the transnational recruitment processes and to monitor advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment; however, no efforts were made to regulate labor recruitment agencies in 2017. In 2016, the Ministry of Health adopted a National Policy for the Protection of Children in Comoros, which included actions to combat child labor and child trafficking; however, no discernable actions have been taken since its adoption. The government did not make efforts to reduce demand for commercial sex acts. Comoros is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, Comoros is a transit country for women and children and a source country for children subjected to forced labor within the country. Comorian women and Malagasy women who transit Comoros may be subjected to forced labor in the Middle East. Unsubstantiated media reports alleged that children from Madagascar who travel to Comoros are exploited in prostitution with foreign men working on road construction projects. Comorian women and children are subjected to forced labor in Mayotte. Children on Anjouan, some of whom were abandoned by parents who left to seek economic opportunities in other countries, are subjected to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. On Anjouan and Moheli, poor rural families frequently place children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; some

of these children are subjected to domestic servitude and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some up to age 14) study at informal neighborhood Koranic schools headed by private instructors, where some are exploited as field hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte are especially vulnerable to domestic servitude and sex trafficking. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in migrant smuggling.